

Remarks/Arguments

Claims 1-17 are pending.

Claims 1, 7, 9, 12, 13 and 14 have been amended to more clearly and distinctly claim the subject matter that applicants regard as their invention. In particular the claims have been amended to recite that the digital OSD video data is overlayed onto the digital video content provided by the peripheral device prior to being displayed on the display device. Support for the amendment is provided, for example, on page 15, lines 1-2. No new matter is believed to be added by the amendment.

Claim Objections

Responsive to the objection to claim 12, the limitation "said digital data" has been amended to recite "said digital video data." Applicants submit that the objection is overcome in view of the amendment.

Rejection of claims 1-17 under 35 USC 103(a) as being unpatentable over Ludke et al (US6421069) in view of P1394 Draft 8.0v2.

Applicants submit that for the reasons discussed below amended claims 1-17 are patentably distinguishable over the teachings of Ludke and P1394 Draft.

A notable feature of the present invention is that data representative of a display menu associated with a peripheral device, which **menu is overlayed onto a video content on a display device** and utilized by a user to interactively control the peripheral device, is generated by the peripheral device and transferred to the display device separately from the video content. This differs from the traditional approach wherein the menu display is combined with the video content in the peripheral device, and the composite image is then transferred to the display device. However, using the traditional approach in a digital environment would require an additional encoder in the peripheral device to encode the combined image. The approach according the present invention transmits the menu data and the video content as separate data thereby obviating the need for an encoder in the peripheral device, thereby reducing the cost and complexity of the device. In

that regard, claims 1, 7, 9, 12, 13, and 14 have been amended to recite video data representative of an on-screen display menu that is overlayed onto said digital video content prior to being displayed on said display device, and transferring the video data representative of an on-screen display menu and the digital video content as separate data via the digital bus to more clearly point out this feature. Applicants submit that the combination of Ludke and P1394 Draft fail to teach or suggest this feature.

Ludke teaches a system wherein various peripheral devices connected to a network provide self-describing information that is used to generate a graphical user interface through which the user can control the operation of the devices. In particular, the graphical user interface displays icons that represent the various devices available within the network and the actual topology of the connections (See fig. 5, col. 9, lines 14-17).

Further, within the graphical user interface, there is provided a stream window that shows the available controls associated with a selected device (see figs. 6-9, col. 9, lines 37-52). For example, the available controls associated with video camera that is chosen as the source device and a VCR that is shown as the sink device is shown in Fig. 7. The available controls shown in subpanes 72 and 74 are then controlled to start sending the video data stream from the video camera to the VCR (see col. 10, lines 3-36). In this regard, the video data stream is transferred from the video camera via, for example, the IEEE 1394, in response to user selection of the appropriate control buttons. An example wherein a video stream is transferred from a source device to a display device is shown in Fig. 8. In this case, the video stream being transmitted from the video camera is displayed on the television shown in subpane 70.

The self-describing information according to Ludke is used to provide a graphically oriented interface through which the user can direct a device to transmit video data to another device, or to receive and display video data from another device. However, according to the teachings of Ludke, graphical image data associated with the graphical user interface, **is not overlayed onto, nor transferred with, the video data** from the selected source device to the sink device. In fact, in the example described by Ludke, it may be undesirable to transfer the graphical image data associated with the video camera to the video

cassette recorder since the user may not want to record an image of the graphical user interface with the video data. In the example using the television, nowhere does Ludke teach or suggest that the graphical data is transferred from the video camera and that the graphical data is overlayed onto the video content prior to display on the television. In view of the above, the self-describing information for generating the graphical user interface simply does not correspond to the digital OSD video data representative of an on-screen display menu recited in the present claims. In particular, Ludke does not teach generating digital OSD video data that is overlayed onto digital video content prior to being displayed on a display device, and transferring the digital video content and the digital OSD video data as separate data via a digital bus as recited in the amended claims.

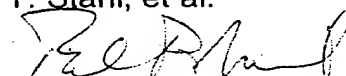
P1394 Draft is cited as describing asynchronous and isochronous transfer mechanisms associated with the 1394 bus. These different transfer mechanisms are well known features of the 1394. However, nowhere does the cited document teach or suggest transferring the digital video content and the digital OSD video data as separate data. Nowhere does the cited document mention or suggest how such a transfer would be desirable in the context of providing an on screen display menu with video content.

Simply because a bus provides asynchronous and isochronous transfer mechanisms does not suggest transferring the data separately, the video content using the isochronous protocol and the menu using the asynchronous protocol as asserted by the examiner. In fact, as mentioned in the present application, the digital video content and the digital OSD video data may **both be carried** using the isochronous protocol (page 3, first full paragraph). Nowhere does P1394 draft mention or suggest a notable reason for transferring the data in the manner claimed, that is, to obviate the need for an encoder in the peripheral device.

Furthermore, P1394 draft fails to cure the defect of Ludke as applied to the amended claims as discussed above. Therefore, Applicants submit that Ludke and P1394 draft, singly and in combination, fail to teach or suggest a notable feature of the amended claims, and as such, claims 1, 7, 9, 13 and 14, and the claims that depend therefrom, are patentably distinguishable over the cited prior art references.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
T. Stahl, et al.



By: Paul P. Kiel
Attorney for Applicants
Registration No. 40,677

THOMSON Licensing Inc.
PO Box 5312
Princeton, NJ 08543-5312

Date: Jul 16, 2007


CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop AF, Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

Date

7/20/07 ⁰⁴

Linda Tindall



ilable copy